

REMARKS

Claims 1-10 are currently pending and stand rejected.

Claims 1-5, 9 and 10 are amended herein, and Claims 11-13 are newly presented herein. No new matter has been presented as a result of these amendments and newly presented claims. Indeed, support for these amendments may be found at least at page 4, line 28 – page 5, line 19, page 6, lines 1-19, page 12, line 18 – page 13, line 22, page 16, lines 2-16, page 16, line 24 – page 17, line 2, page 17, line 28 – page 18, line 6, page 18, line 21 – page 20, line 13, page 20, lines 18-26, page 21, line 19 – page 22, line 7, page 24, lines 12-27, page 25, lines 7-26, as well as in Claim 2 and Figures 5 and 9, of the pending application.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1 and 6-10

The Office Action states that Claims 1 and 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Patent No. 6,570,628) in view of Schaper (U.S. Patent No. 7,373,605).

It is noted that independent Claim 1, and similarly independent Claims 9 and 10, recite the features (emphasis added):

An apparatus comprising:
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position; and
a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in

the second position based on the user's touching the selection button, the operation of the control switch being unavailable based on the display screen being in the second position.

The Applicant has reviewed the cited art, and respectfully submits that Claims 1 and 6-10 are patentable over the cited art for at least the following rationale.

i. "CONTROL SWITCH"

First, the Applicant does not find the cited art to teach, or even suggest:

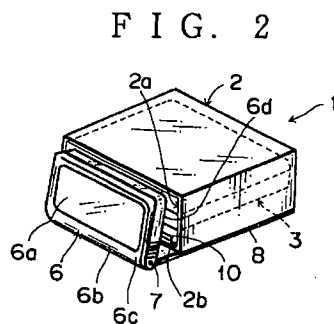
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position;

as claimed (emphasis added), at least because the Applicant does not find the cited art to teach or suggest a "control switch", as claimed.

It is noted that the Office Action states:

Hirano discloses ... a display screen (fig. 1(6a)) ... wherein the display screen at least partially covers a control switch (fig. 2(10), col. 3, lines 59-67)

Id., page 2, section 3 (emphasis added). The Applicant respectfully disagrees.



With reference to Figure 2 of Hirano, which is reproduced herein for your convenience, the Applicant finds Hirano to teach “an electric appliance 10 such as a tuner of a car audio or a CD deck.” *Id.*, column 3, lines 47-48 (emphasis added). However, the Applicant does not find that an electric appliance such as a tuner necessarily includes a “control switch”, as claimed (emphasis added).

Indeed, should the Examiner believe that Hirano does in fact teach a “control switch”, as claimed (emphasis added), the Applicant respectfully requests that the Examiner point to a specific portion of Hirano that teaches that electric appliance 10 includes a “control switch”, as claimed.

If, however, the Examiner wishes to take Official Notice that electric appliance 10, as disclosed in Hirano, may include a control switch, the Applicant respectfully requests that the Examiner provide adequate evidence in support of the finding of Official Notice (either in the form of an affidavit or declaration in accordance with 37 C.F.R. § 104(d)(2) or a citation to another reference work as required by MPEP § 2144.03(A)) so that the Applicant may adequately respond.

Thus, for at least the foregoing rationale, the Applicant does not find Hirano to teach or suggest a “control switch”, as claimed. Similarly, the Applicant also does not find Hirano to teach or suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position;

as claimed (emphasis added), at least because, as explained above, the Applicant does not find Hirano to teach or suggest a “control switch”, as claimed.

With reference now to Schaper, the Applicant does not find Schaper to overcome the aforementioned shortcomings of Hirano.

In particular, the Applicant finds Schaper to teach a “[p]resentation system for displaying data”. See title of Schaper. However, the Applicant does not find the “[p]resentation system for displaying data” of Shaper to teach, or even suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position;

as claimed (emphasis added).

ii. “DISPLAY AN IMAGE OF A SELECTION BUTTON ...”

In addition to the foregoing, the Applicant also does not find the cited art to teach or suggest:

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position,

as claimed (emphasis added).

The display panel 6a serves to display the various items of information such as the setting status of a CD deck which is an electric appliance and various items of information such as the setting information and the operating information of an air conditioner.

Assuming arguendo that Hirano teaches that display panel 6a displays items such as the setting status of a CD deck or the setting information and the operating information of an air conditioner, the Applicant nevertheless does not find Hirano to teach, or even suggest:

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as claimed (emphasis added), at least because the Applicant does not find Hirano to teach or suggest displaying on display panel 6a "an image of a selection button corresponding to the control switch", as claimed (emphasis added).

With reference now to Schaper, the Applicant does not find Schaper to overcome the aforementioned shortcomings of Hirano.

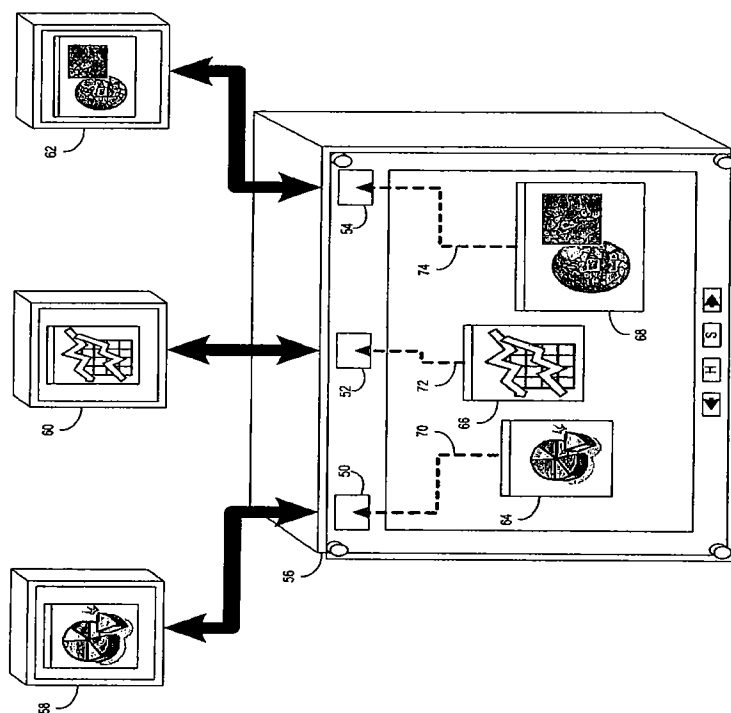


Fig. 2

The Applicant finds Schaper to teach a "[p]resentation system for displaying data". See title of Schaper. More specifically, and with reference to Figure 2 of Schaper, which is reproduced herein for your convenience, the Applicant finds Schaper to teach:

The selection and display module 24 allows a user to select various portions of data (e.g., pie chart 64, line chart 66, and map 68) displayed on the primary

display screen 56 and move and/or copy them onto one or more secondary display screens (e.g., secondary display screens 58, 60, and 62 respectively).

Schaper, column 2, lines 52-62 (emphasis added).

Assuming arguendo that Schaper teaches displaying pie chart 64, line chart 66, and map 68, on one or more display screens, the Applicant nevertheless does not find Schaper to teach, or even suggest:

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position,

as claimed (emphasis added), at least because the Applicant does not find Schaper to teach or suggest displaying on one or more of such display screens “an image of a selection button corresponding to the control switch”, as claimed (emphasis added).

iii. “OFFER FUNCTIONALITY OF THE CONTROL SWITCH ON THE DISPLAY SCREEN”

Furthermore, the Applicant also does not find Hirano to teach, or even suggest:

a control device configured ... to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button, the operation of the control switch being unavailable based on the display screen being in the second position[.]

as claimed (emphasis added), at least because the Applicant does not find Hirano to teach or suggest that (1) functionality of electric appliance 10 is offered on display panel 6a based on a user's touching of a “selection button”, as claimed, and (2) an operation of electric appliance 10 is unavailable based on display panel 6a being in a second position.

In addition to the foregoing, the Applicant has instructed the undersigned to bring the following to the Examiner's attention:

In accordance with an embodiment of the present technology, and with reference to the language of independent Claim 1 (and similarly independent Claims 9 and 10) (emphasis added), "the display screen at least partially covers a control switch when the display screen is in the second position", and an "operation of the control switch [is] unavailable based on the display screen being in the second position."

However, although the "operation of the control switch [is] unavailable based on the display screen being in the second position", the "control device [is] configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button" *Id.* (emphasis added).

In contrast, the Applicant does not find the cited art to teach or suggest "the display screen at least partially covers a control switch when the display screen is in the second position", as claimed. Moreover, the Applicant does not find the cited art to teach or suggest "a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button", as claimed.

For at least the foregoing rationale, the Applicant respectfully submits that Claims 1, 9 and 10 are not unpatentable over Hirano in view of Schaper pursuant to 35 U.S.C. § 103(a). As such, withdrawal of the rejections of Claims 1, 9 and 10 made pursuant to 35 U.S.C. § 103(a), as well as allowance of Claims 1, 9 and 10, is respectfully requested.

With respect to Claims 6-8, the Applicant respectfully points out that Claims 6-8 depend from independent Claim 1, and recite further features. Therefore, the Applicant respectfully submits that Claims 6-8 overcome the rejections under 35 U.S.C. § 103(a) at least because of their dependency on Claim 1, and that these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, withdrawal of the rejections of Claims 6-8 made pursuant to 35 U.S.C. § 103(a), as well as allowance of Claims 6-8, is respectfully requested.

Claim 2

The Office Action states that Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Morimoto et al. (U.S. Patent No. 5,757,359; hereinafter "Morimoto"). The Applicant has reviewed the cited art and respectfully submits that Claim 2 is patentable over such art for at least the following rationale.

Claim 2 is dependent on independent Claim 1, and includes the features of Claim

1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Morimoto, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Morimoto, does not teach or suggest the features of Claim 2.

The Applicant respectfully submits that Hirano, alone or in combination with Schaper and Morimoto, fails to teach or suggest the features of Claim 1 at least because Morimoto fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, the Applicant finds Morimoto to teach a “[v]ehicular information display system”. See title of Morimoto. However, the Applicant does not find the “[v]ehicular information display system” of Morimoto to teach, or even suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position; and

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button, the operation of the control switch being unavailable based on the display screen being in the second position[.]

as claimed (emphasis added).

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Morimoto, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 2, the Applicant respectfully points out that Claim 2 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, the Applicant respectfully submits that Claim 2 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 2 is thus in a condition for allowance as being dependent on an allowable base claim. As such, withdrawal of the rejection of Claim 2 made pursuant to 35 U.S.C. §103(a), as well as allowance of Claim 2, is respectfully requested.

Claim 3

The Office Action states that Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Son et al. (U.S. Patent Application No. 2004/0164974; hereinafter "Son"). The Applicant has reviewed the cited art and respectfully submits that Claim 3 is patentable over such art for at least the following rationale.

Claim 3 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Son, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Son, does not teach or suggest the features of Claim 3.

The Applicant respectfully submits that Hirano, alone or in combination with Schaper and Son, fails to teach or suggest the features of Claim 1 at least because Son fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In

particular, the Applicant finds Son to teach an “[a]utomatic controllable display device according to image display direction”. See title of Son. However, the Applicant does not find the “[a]utomatic controllable display device according to image display direction” of Son to teach, or even suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position; and

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button, the operation of the control switch being unavailable based on the display screen being in the second position[.]

as claimed (emphasis added).

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Son, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 3, the Applicant respectfully points out that Claim 3 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, the Applicant respectfully submits that Claim 3 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 3 is thus in a condition for allowance as being dependent on an allowable base claim. As such, withdrawal of the rejection of Claim 3 made pursuant to 35 U.S.C. §103(a), as well as allowance of Claim 3, is respectfully requested.

Claim 4

The Office Action states that Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Watanabe et al. (U.S. Patent No. 6,373,213; hereinafter "Watanabe"). The Applicant has reviewed the cited art, and respectfully submits that Claim 4 is patentable over such art for at least the following rationale.

Claim 4 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Watanabe, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Watanabe, does not teach or suggest the features of Claim 4.

The Applicant respectfully submits that Hirano, alone or in combination with Schaper and Watanabe, fails to teach or suggest the features of Claim 1 at least because Watanabe fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, The Applicant finds Watanabe to teach a "[r]otation controlling apparatus and electronic apparatus". See title of Watanabe. However, the Applicant does not find the "[r]otation controlling apparatus and electronic apparatus" of Watanabe to teach, or even suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position; and

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button, the

operation of the control switch being unavailable based on the display screen being in the second position[.]

as claimed (emphasis added).

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Watanabe, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 4, the Applicant respectfully points out that Claim 4 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, the Applicant respectfully submits that Claim 4 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 4 is thus in a condition for allowance as being dependent on an allowable base claim. As such, withdrawal of the rejection of Claim 4 pursuant to 35 U.S.C. §103(a), as well as allowance of Claim 4, is respectfully requested.

Claim 5

The Office Action states that Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Ogawa et al. (U.S. Patent No. 6,628,245; hereinafter "Ogawa"). The Applicant has reviewed the cited art and respectfully submits that Claim 5 is patentable over such art for at least the following rationale.

Claim 5 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of

Ogawa, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Ogawa, does not teach or suggest the features of Claim 5.

The Applicant respectfully submits that Hirano, alone or in combination with Schaper and Ogawa, fails to teach or suggest the features of Claim 1 at least because Ogawa fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, the Applicant finds Ogawa to teach a “[m]ultifunction switch device with display function”. See title of Ogawa. However, the Applicant does not find the “[m]ultifunction switch device with display function” of Ogawa to teach, or even suggest:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch when the display screen is in the second position; and

a control device configured to display an image of a selection button corresponding to the control switch on the display screen being in the second position, and to offer functionality of the control switch on the display screen in the second position based on the user's touching the selection button, the operation of the control switch being unavailable based on the display screen being in the second position[.]

as claimed (emphasis added).

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Ogawa, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 5, the Applicant respectfully points out that Claim 5 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, the

Applicant respectfully submits that Claim 5 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 5 is thus in a condition for allowance as being dependent on an allowable base claim. As such, withdrawal of the rejection of Claim 5 made pursuant to 35 U.S.C. §103(a), as well as allowance of Claim 5, is respectfully requested.

PATENTABILITY OF NEWLY PRESENTED CLAIMS

With respect to new Claim 11, the Applicant respectfully points out that Claim 11 depends from independent Claim 1, and recites further features. With respect to new Claim 12, the Applicant respectfully points out that Claim 12 depends from independent Claim 9, and recites further features. With respect to new Claim 13, the Applicant respectfully points out that Claim 13 depends from independent Claim 10, and recites further features. Therefore, the Applicant respectfully submits that new Claims 11-13 overcome the rejections under 35 U.S.C. § 103(a) at least because of their dependency on an allowable base claim, and that these claims are therefore in a condition for allowance. As such, allowance of new Claims 11-13 is respectfully requested.

CONCLUSION

In light of the above-listed remarks, reconsideration of the rejected claims is respectfully requested. Indeed, based on the arguments presented above, it is respectfully submitted that Claims 1-10 overcome the rejections of record. Therefore, allowance of Claims 1-10 is respectfully solicited.

Furthermore, based on the arguments presented above, it is respectfully submitted that new Claims 11-13 are in a condition for allowance. Therefore, allowance of Claims 11-13 is respectfully solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

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Date: September 21, 2009

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September 21, 2009

(Date of Transmission)

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